

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNILEVER SUPPLY CHAIN, INC.
1 John Street
Clinton, Connecticut 06413,

Plaintiff,

v.

JOSHUA W. STEENMEYER d/b/a
PopsicleShirts.com, Inc.
6001 Shining Light Avenue
Las Vegas, NV 89139,

Defendant.

CASE NO. 1:07-cv-03705 (NRB)

JURY TRIAL DEMANDED

**DECLARATION OF JULIO DELCIOPPPO IN SUPPORT OF
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

I, Julio Del Cioppo, declare under penalty of perjury as follows:

1. I am employed by Conopco, Inc. d/b/a Unilever North America Ice Cream as Director of Marketing for, among others, the POPSICLE brand and the related SICLE family of marks. I have held this position for three and a half years. In this position, I am responsible for, among other things, the development and marketing of frozen novelty products under the POPSICLE and related SICLE trademarks.

2. Conopco, Inc. is the parent company of Unilever Supply Chain, Inc.

3. I make this Declaration in support of Unilever Supply Chain, Inc.'s ("Unilever's") Motion for Summary Judgment on all claims alleged in the Complaint against Defendant Joshua W. Steenmeyer d/b/a PopsicleShirts.com, Inc.

4. In addition to frozen confections, Unilever markets, sells and licenses a variety of products under both the POPSICLE mark and the POPSICLE THE ORIGINAL BRAND logo.

5. Unilever has also sold and licensed and currently sells and licenses an array of products and merchandise under the POPSICLE mark, including apparel, jewelry and personal care products.

6. In connection with its merchandising and promotional campaigns, Unilever offers t-shirts bearing the POPSICLE Marks. The true and correct image of such a t-shirt bearing the POPSICLE Marks is attached at Exhibit A.

7. As a result of Unilever's long-standing, extensive and widespread use, marketing and promotion of its POPSICLE Marks and branded products, Unilever's POPSICLE Marks are famous and widely recognized by the general consuming public as a designation of source for Unilever's frozen confections and other products.

8. The POPSICLE Marks are assets of incalculable value as symbols of Unilever's products and the goodwill associated with the marks.

9. The term POPSICLE has no meaning other than that associated with Unilever and its POPSICLE-branded products.

10. In 2006 alone, Unilever sold approximately 1.7 billion POPSICLE branded products, having a dollar value of over \$198,000,000. In 2005, Unilever sold approximately 1.6 billion POPSICLE branded products, having a dollar value of nearly \$192,000,000, and in 2004, Unilever sold over 1.4 billion POPSICLE branded products, having a dollar value in excess of \$178,000,000.

I declare under penalty of perjury that to the best of my knowledge, the foregoing information is true and correct.

A handwritten signature in black ink, appearing to read "Julio Del Cioppo", is written over a horizontal line.

Name: Julio Del Cioppo

Title: Director of Marketing

Date: August 8, 2007

EXHIBIT A

